

Amendments to the Drawings:

Please replace the originally filed Figs. 2 and 3 with the following attached
Replacement drawings sheets of Figs. 2 and 3.

Attachments: Two Annotated Drawing Sheets
 Two Replacement Drawing Sheets

REMARKS

The present Amendment amends claims 1-5 and cancels claims 6 and 7.
Therefore, the present application has pending claims 1-5.

Information Disclosure Statement

An Information Disclosure Statement (IDS) was filed on November 16, 2006. However, the Examiner has not returned an initialed copy of Form PTO-1449. Therefore, Applicants submit, herewith, a USPTO date-stamped copy of the IDS filed on November 16, 2006. Applicants respectfully request the Examiner to consider the IDS and to provide an initialed copy of the Form PTO-1449, acknowledging consideration of the references.

Drawings:

The Examiner objected to the drawings, citing minor informalities. Applicants have amended Figs. 2 and 3 to overcome this objection. In particular, Applicants have removed the "Accomplish Communication" arrow in Figs. 2 and 3. Therefore, this objection should be withdrawn.

35 U.S.C. §103 Rejections

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,696,879 to Cline, et al. ("Cline") in view of U.S. Patent Application Publication No. 2002/0037711 to Mizutani.

Regarding claim 5, the Examiner did not provide an explanation for rejecting claim 5 under this grounds of rejection, but rather provides a separate rejection of claim 5 as being unpatentable over Cline in view of Mizutani, further in view of a third prior art reference (Agnihotri). Accordingly, it is presumed that the Examiner's rejection of all of claims 1-7, which includes claim 5, is a typographical error.

Regarding the remaining claims 1-4, 6 and 7, this rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claims 1-4, 6 and 7, are not taught or suggested by Cline or Mizutani, whether taken individually or in combination with each other in the manner suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims to more clearly describe features of the present invention. Specifically, amendments were made to the claims to more clearly recite that the present invention is directed to a communication terminal as recited, for example, in independent claim 1.

The present invention, as recited in claim 1, provides a communication terminal including a voice input unit that inputs voice, and a voice converter that converts the voice input by the voice input unit into a voice signal. The communication terminal also includes a character converter that converts the voice signal converted by the voice converter into a character signal. The communication terminal further includes a transmitter that transmits the voice signal and the character signal via a communication line. Also included in the communication terminal is a controller that executes a communication error rate check of the communication line at predetermined time intervals after the transmitter starts a signal transmission, and controls the transmitter in such a manner that the transmitter transmits the voice signal or the character signal in response to the error rate. Furthermore, the communication terminal includes a notifier that outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission. The prior art does not teach or suggest all of these features.

The above described features of the present invention, as now more clearly recited in the claims, are not taught or suggested by any of the references of record. Specifically, the features are not taught or suggested by either Cline or Mizutani, whether taken individually or in combination with each other.

Cline teaches a method and apparatus for improved voice transmission. However, there is no teaching or suggestion in Cline of the communication terminal as recited in claim 1 of the present invention.

Cline discloses where a programmed computer system and computer-implemented method direct a computer system to efficiently transmit voice. The method includes the steps of transforming voice from a user into text at a first system, converting a voice sample of the user into a set of voice characteristics stored in a voice database in a second system, and transmitting the text to the second system, whereby the second system converts the text into audio by synthesizing the voice of the user using the voice characteristics from the voice sample. The voice characteristics and text may be transmitted individually or jointly. However, if the system transmits voice characteristics individually, subsequent multiple text files are transmitted and converted at the second system using the stored voice characteristics located within the second system.

One feature of the present invention, as recited in claim 1, includes a controller that executes a communication error rate check of the communication line at predetermined time intervals after the transmitter starts a signal transmission, and controls the transmitter in such a manner that the transmitter transmits the voice signal or the character signal in response to the error rate (see, e.g., page 8, line 6 to page 9, line 9). Cline does not disclose this feature. For example, as described in column 3, lines 6-9, and as illustrated in Fig. 2, network adapter 240 transmits a text

file to a text-to-speech synthesizer 252. As described in column 3, lines 34-37, the network adapter also transmits a digitized voice sample file. There is no teaching or suggestion in Cline of where either voice signals or character signals are transmitted in response to an error rate determined in an error rate check of the communication line performed at predetermined time intervals after the transmitter starts a signal transmission, as in the present invention. Therefore, Cline does not teach the claimed feature.

Another feature of the present invention, as recited in claim 1, includes a notifier that outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission (see, e.g., page 9, line 10 to page 10, line 5). Cline does not disclose this feature. More specifically, Cline does not teach or suggest switching to voice signal transmission or character signal transmission. Accordingly, it follows that Cline does not teach or suggest a notifier that outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission, as in the present invention.

Therefore, Cline fails to teach or suggest "a controller which executes a communication error rate check of the communication line at predetermined time intervals after the transmitter starts a signal transmission, and controls the transmitter in such a manner that the transmitter transmits the voice signal or the character signal in response to the error rate" as recited in claim 1.

Furthermore, Cline fails to teach or suggest "a notifier which outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission" as recited in claim 1.

The above noted deficiencies of Cline are not supplied by any of the other references of record, namely Mizutani, whether taken individually, or in combination with each other. Therefore, combining the teachings of Cline and Mizutani in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Mizutani teaches a communication apparatus for communicating with a communication network, an image pickup apparatus for inter-apparatus communication, and a communication apparatus for communicating with the image pickup apparatus. However, there is no teaching or suggestion in Mizutani of the communication terminal as recited in claim 1 of the present invention.

Mizutani discloses where a communication apparatus measures a received signal strength indicator of a communication network and transmits the measured received signal strength indicator to an image pickup apparatus. The image pickup apparatus transmits, to the communication apparatus, any one of a thumbnail of selected image data, data obtained by compressing the selected image data, and the selected image data in a raw state in accordance with the received signal strength indicator of the received data of the communication network. The communication apparatus transfers the received image data for transfer to the communication network.

One feature of the present invention, as recited in claim 1, includes a controller that executes a communication error rate check of the communication line at predetermined time intervals after the transmitter starts a signal transmission, and controls the transmitter in such a manner that the transmitter transmits the voice signal or the character signal in response to the error rate. Mizutani does not disclose this feature. For example, as described in the abstract, Mizutani discloses

where the image pickup apparatus transmits to the communication apparatus any one of a thumb-nail of selected image data, data obtained by compressing the selected image data, and the selected image data in a raw state in accordance with the received signal strength indicator of the received data of the communication network. Transmitting data in accordance with a received signal strength indicator, as disclosed in Mizutani, is quite different from transmitting a voice signal or a character signal in response to an error rate, as in the present invention. Accordingly, Mizutani does not teach or suggest the claimed feature.

Another feature of the present invention, as recited in claim 1, includes a notifier that outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission. Mizutani does not disclose this feature. More specifically, Mizutani does not teach or suggest switching to voice signal transmission or character signal transmission. Accordingly, it follows that Mizutani does not teach or suggest a notifier that outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission, as in the present invention.

Therefore, Mizutani fails to teach or suggest "a controller which executes a communication error rate check of the communication line at predetermined time intervals after the transmitter starts a signal transmission, and controls the transmitter in such a manner that the transmitter transmits the voice signal or the character signal in response to the error rate" as recited in claim 1.

Furthermore, Mizutani fails to teach or suggest "a notifier which outputs information indicating a communication switching when the transmitter switches to voice signal transmission or character signal transmission" as recited in claim 1.

Both Cline and Mizutani suffer from the same deficiencies, relative to the features of the present invention, as recited in the claims. Therefore, combining the teachings of Cline and Mizutani in the manner suggested by the Examiner does not render obvious the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-5 as being unpatentable over Cline in view of Mizutani are respectfully requested.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cline in view of Mizutani, further in view of U.S. Patent Application Publication No. 2003/0065503 to Agnihotri. This rejection is traversed for the following reasons. Applicants submit that claim 5 is dependent on claim 1, and is allowable for at least the same reasons previously discussed regarding independent claim 1.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1-5.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-5 are in condition for allowance. Accordingly, early allowance of claims 1-5 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (referencing Attorney Docket No. 500.42919X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to read "Donna K. Mason", written over a horizontal line.

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Annotated Marked Up Drawings

FIG. 2

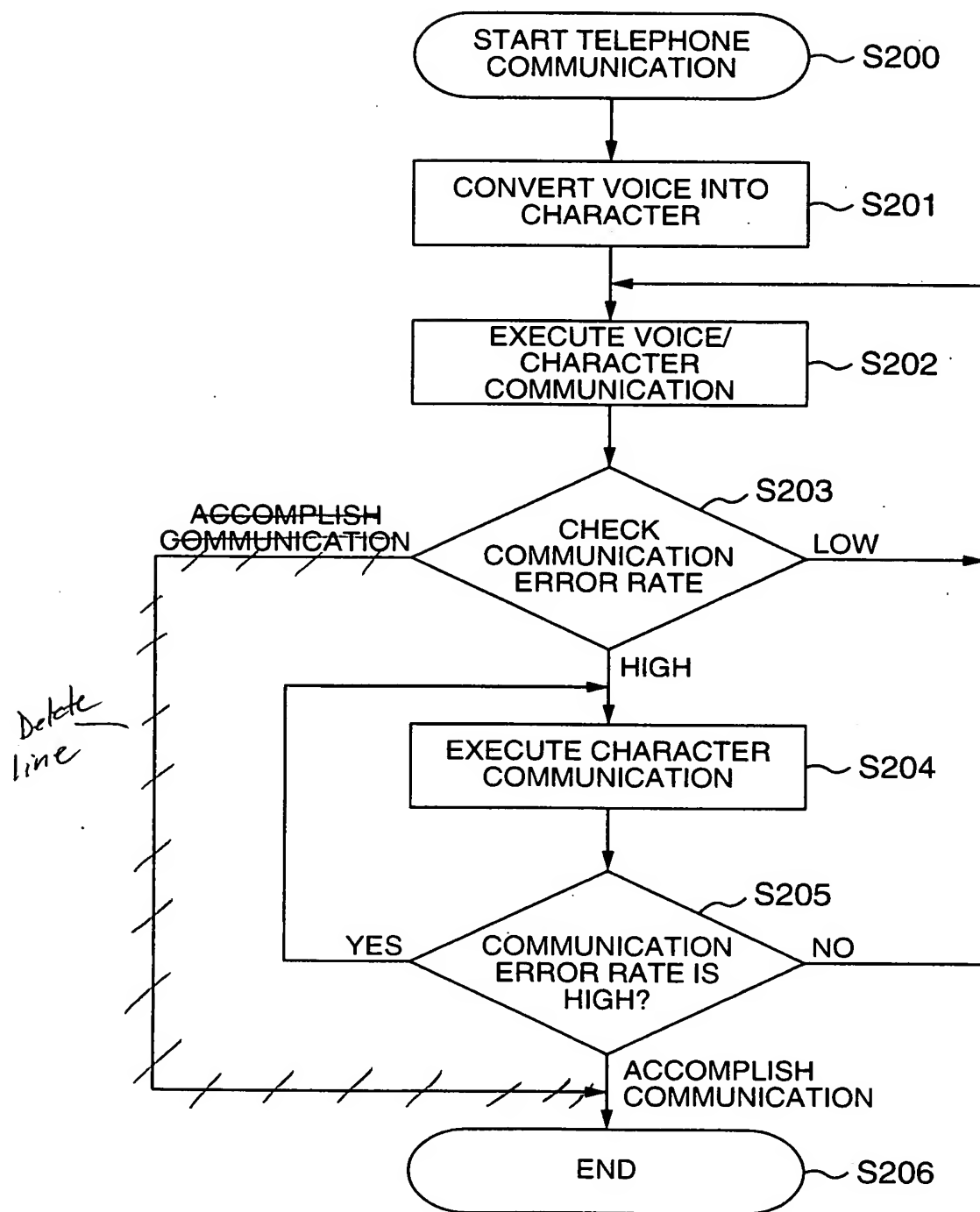


FIG. 3

